

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. ~~1/22/03~~ 05/07/03 Item #: 3.c.
C.C. ~~2/04/03~~ 05/20/03

File Number
PDC02-020

Application Type
Planned Development Rezoning

Council District
05

Planning Area
Alum Rock

Assessor's Parcel Number(s)
612-69-038

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Susan Walsh

Location: South side of Story Lane, at the terminus of Schramm Way

Gross Acreage: 0.85

Net Acreage: 0.84

Net Density: 2.4 DU/AC

Existing Zoning: A-Agriculture

Existing Use: 1 Single-Family Detached Residence

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 2 Single-Family Detached Residences

GENERAL PLAN

Completed by: SBW

Land Use/Transportation Diagram Designation
Low Density Residential (2 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SBW

North: Single-Family Detached Residential

A(PD) Planned Development

East: Single-family Detached Residential

A Agriculture

South: Single-Family Detached Residential

R-1-2 Residential

West:: Single-family Detached Residential

County and R-1-5 Residential

ENVIRONMENTAL STATUS

Completed by: SBW

☐ Environmental Impact Report Pending
☒ Negative Declaration circulated on December 19, 2002
☒ Negative Declaration adopted on January 7, 2003

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: SBW

Annexation Title: Story No. 38

Date: 4/22/85

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date: _____

Approved by: _____
☐ Action
☐ Recommendation

APPLICANT/DEVELOPER/OWNER

Mike Miroyan and Terry Szewczyk,
TS Civil Engineering
90 North 1st Street
San Jose, CA 95113

PUBLIC AGENCY COMMENTS RECEIVED**Completed by: SBW****Department of Public Works**

Please refer to the Attached Memorandum.

Other Departments and Agencies

None Received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Mike Miroyan, TS Civil Engineering, is proposing to rezone a .85 gross-acre site from A-Agriculture to A (PD) Planned Development to allow up to 2 single-family detached residential units. A Planned Development Rezoning is required because the slope of the subject site exceeds 7%.

The subject site is located at the base of the east foothills of San Jose, on the west flank of the Diablo Mountain Range. The site has an average slope of about 8%. It is currently developed with a single-family house and accessory structure built in the late 1940's. The remainder of the site is covered with low grasses and there are 7 small fruit trees which are proposed to be removed when the site is developed.

The surrounding land use is predominantly single-family detached residential with some undeveloped lands to the south and the east. The site is accessed from Story Lane, at its junction with Spurling Court and Schramm Way. There is a 40-foot wide private right-of-way to the west and the south of the subject parcel which provides access to 5 residences located to the south of the subject site. Squeri Creek, an intermittent stream, is located approximately 250-300 feet to the south of the site.

PROJECT DESCRIPTION

The proposed project consists of the construction of 2 single-family detached residences which will front on to Story Lane. The project will include dedication and improvements to Story Lane as a condition of approval.

The proposed residences would be two-story, and contemporary in style. Finish materials include a mixture of stucco and brick siding, and tile roofing. Each house will have 5-bedrooms and will be approximately 3,000 square feet in size.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed in an Initial Study and a Mitigated Negative Declaration that was circulated on December 19, 2002, and adopted on January 7, 2003. The Initial Study included a Burrowing Owl Report, Historic Analysis, Traffic Report and a Geologic Report to address potential impacts from the project.

The Burrowing Owl report concluded that there were no Burrowing Owls present on the site and there were no potentially significant impacts identified.

The Historic Report concluded that the existing (circa 1940s) residence and associated accessory structures on the site are not listed, nor would they be eligible for listing, on the City of San José Historic Resource Inventory. Loss of the existing house and structures would not be considered a significant impact and no mitigation would be required.

The Traffic Report concluded that the project would not result in any significant traffic impacts if the project incorporates the recommended mitigation of the addition of a second westbound left turn lane at the intersection of Capitol Expressway and Story Road.

The Geologic Report states that the site is suitable for the construction of the proposed development provided that the recommendations in the report are incorporated into the project plans and specifications. A Geologic Hazard Clearance was issued for the project on October 23, 2002.

The recommended traffic and geologic mitigation measures have been incorporated into the project to reduce the potentially significant impacts to a less than significant level.

GENERAL PLAN CONFORMANCE

The proposed project has a net density of 2.4 DU/AC. This density is consistent with the site's General Plan Land Use/Transportation Diagram designation of Low Density Residential (2 DU/AC) by use of the Two Acre Rule Discretionary Alternate Use Policy. The Discretionary Alternate Use Policy allows the project to be developed at the next higher residential density range provided that the project will be compatible with the surrounding land uses and the project design exceeds the minimum zoning ordinance and design guideline standards.

The proposed density of 2.4 DU/AC is only slightly above the General Plan density of 2 DU/AC, and it will be consistent with the surrounding residential use and density. The typical density of the neighboring properties is 2 DU/AC to the north and a mixture of 1-2 DU/AC to the south of the subject site.

The project design exceeds the minimum required ordinance and design standards. The garages for both houses are designed as side-access garages with custom-designed garage doors to help minimize the appearance of the garages from the street. Each residence has a unique floor plan and utilizes different materials to provide visual variety. In addition, the residences are set back 35-40 feet from the side property lines which far exceeds the standard minimum required 15-foot sideyard setbacks for single family development on this lot size.

The project is consistent with the General Plan's Hillside Development Policies in that the project incorporates measures, such as the use of split pads, to minimize grading of the site and to maintain the Hillside character as described in the plan.

ANALYSIS

The primary issues associated with the proposed project are conformance to the Residential Design Guidelines and neighborhood compatibility.

Residential Design Guidelines and Neighborhood Compatibility

The proposed project is consistent with the Residential Design Guidelines (RDGs). The residences adequately meet the setback, parking and design requirements of the RDGs. Each house will have well-

articulated front elevations with covered front porches to provide a strong presence along the street. The residences will each have side entry garages to minimize the presence of the garages from the street and provide a mix of one- and two-story building elements which will add interest to the view of the residences from the street. The living area and the garages will vary in height from one- to two-story and will have varied front setbacks (ranging from 25–40 feet) which will add interest to the view of the project from the street. The residences are designed with split pads to minimize grading.

In conclusion, the project fully meets and in some cases exceeds the Residential Design Guidelines and Zoning Ordinance setback standards, as noted above. The houses are designed to be compatible with the design and character of the single-family detached residences in the surrounding neighborhood and the project will have no negative land use impacts upon the surrounding uses in the area.

PUBLIC OUTREACH

A public hearing notice was distributed to all property owners and tenants within 500 feet of the subject site. Staff has also been available to answer any questions from the public.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use/Transportation Diagram designation of Low Density Residential (2 DU/AC) through use of the Two Acre Rule Discretionary Alternate Use Policy of the General Plan. The Discretionary Alternate Use Policy may be applied to this project since the project meets and in some areas, exceeds the minimum design and ordinance requirements and the project will be compatible with the surrounding neighborhood uses.
2. The proposed project substantially conforms to the *Residential Design Guidelines*.
3. The project furthers the goals and objectives of the City's in-fill housing strategies.
4. The project is consistent with the General Plan's Hillside Development Policies.
5. The project conforms to the requirements of the California Environmental Quality Act.
6. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.